

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY PANAMA

C O N F I D E N T I A L STATE 025130

E.O. 11652:GDS

TAGS: PN, BBAK, (KURTZ, W. GARY), (ROGERS, GERALD LEO)

SUBJECT:STATE OF CALIFORNIA V. LACME INVESTMENTS (GERALD
LEO ROGERS)

REF: (A) 77 STATE 147626; (B) 78 STATE 13787

1. CALIFORNIAN DEPUTY ATTORNEY-GENERAL KURTZ HAS INFORMED
THE DESK THAT, AT THE LAST MOMENT BEFORE THE TIME FOR A
POSSIBLE APPEAL EXPIRED, LACME INVESTMENTS MOVED TO VACATE

THE JUDGMENT AGAINST IT BY THE CALIFORNIAN COURT ON THE
GROUNDS OF LACK OF JURISDICTION. THIS ACTION WILL DELAY
LEGAL PROCEEDINGS IN CALIFORNIA FOR 6-12 MONTHS AND PREVENT
KURTZ FROM ENTERING CALIFORNIA'S JUDGMENT AGAINST ROGERS
IN ITS PROCEEDING IN PANAMA TO GET BACK THE DOLS 914,000
(INCLUDES INTEREST ACCRUED IN PANAMA SINCE THE CASE BEGAN)
WHICH ROGERS REMOVED FROM CALIFORNIA.

2. REGARDING KURTZ' CASE IN PANAMA, KURTZ REPORTED THAT
ROGERS' ATTORNEYS IN CALIFORNIA QUOTED CALVO PONCE (ROGERS'
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PANAMANIAN ATTORNEY, MEMBER OF THE LAW FIRM JAEN AND AS-
SOCIATES, ALSO NOW PRESIDENT OF LACME) AS SAYING THAT THE
PANAMANIAN COURTS WILL NOT MAKE ANY DECISION UNTIL APRIL
(I.E., UNTIL AFTER THE U.S. SENATE'S VOTE ON THE TREATIES).

WHEN IT IS MADE, HOWEVER, THE DECISION WILL BE AGAINST
KURTZ BECAUSE OF BRIBES LACME WILL PAY TO PANAMANIAN OF-

FICIALS.

3. KURTZ HAS BEEN IN CONTACT WITH HIS ATTORNEY, CARLOS LOPEZ GUEVARA, ABOUT THIS POSSIBILITY. HE SAYS THAT HE USED VERY STRONG LANGUAGE IN AN ATTEMPT TO MAKE LOPEZ HEAD OFF THIS POSSIBLE DENIAL OF JUSTICE. KURTZ TOLD LOPEZ THAT THE ATTORNEY-GENERAL OF CALIFORNIA, EVILLE YOUNGER, IS "VERY UPSET" ABOUT THE POSSIBILITY OF LOSING THE CASE IN PANAMA BECAUSE OF BRIBES. KURTZ SAID LOPEZ PROMISED TO LOOK INTO THE MATTER.

4. FYI ONLY: KURTZ TOLD THE THE DESK, ALTHOUGH HE HAS NOT YET TOLD LOPEZ, THAT ATTORNEY-GENERAL YOUNGER, WHO IS A CANDIDATE FOR THE REPUBLICAN GUBERNATORIAL NOMINATION IN CALIFORNIA, HAS REFRAINED FROM MAKING ANY PUBLIC COMMENTS ABOUT THE TREATIES BECAUSE OF THE CASE IN PANAMA. YOUNGER APPEARS TO BE INCLINED AGAINST THE TREATIES. END FYI

5. REQUEST EMBASSY CONSIDER APPROPRIATE STEPS TO RESTATE USG'S INTEREST IN SEEING JUSTICE DONE IN THIS CASE. POSSIBLE COURSES INCLUDE: (1) APPROACH VICE FOREIGN MINISTER OZORES WITH OUR CONCERNS, AND (2) BRING THE POSSIBILITY OF ROGERS' PERPETRATING A FRAUD IN PANAMA TO THE GOVERNMENT'S ATTENTION (SEE REFTEL B). RECOMMEND THAT EMBASSY CONSULT WITH LOPEZ GUEVARA BEFORE TAKING ANY ACTION. WITH THE EXCEPTION OF PARAGRAPH 4, EMBASSY MAY DRAW ON THE CONFIDENTIAL

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FOREGOING INFORMATION AS NEEDED.

6. REQUEST EMBASSY SUBMIT PROPOSED COURSE OF ACTION. VANCE

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